

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-00438-FDW
(3:12-cr-00146-FDW-1)

THIS MATTER is before the Court on its own motion on the Government's Response to Order to Show Cause [Doc. 7] and the United States Supreme Court's decision in United States v. Davis, No. 18-431.

Petitioner's Section 2255 Motion to Vacate Sentence [Doc. 1] has been stayed since September 2, 2016, pending the decision of the Fourth Circuit Court of Appeals in United States v. Ali, No. 15-4433, or United States v. Simms, No. 15-4640, and the Supreme Court's decision in Beckles v. United States, No. 15-8455. [Doc. 4]. The Fourth Circuit stayed Ali pending the Supreme Court's decision in United States v. Davis, No. 18-431. On March 6, 2017, the Supreme Court decided Beckles. On June 24, 2019, the Supreme Court decided Davis. On September 12, 2019, the Court ordered the parties to show cause, within 14 days, as to why the stay should not be lifted in light of Davis. On September 26, 2019, the Government filed a response indicating its agreement that the stay should be lifted and requesting 60 days to respond to the Petitioner's Section 2255 motion to vacate. [Doc. 7].

IT IS, THEREFORE, ORDERED that the stay in this matter is hereby **LIFTED** and the Government shall have sixty (60) days from this Order to file its response in this matter.

Signed: September 30, 2019



Frank D. Whitney
Chief United States District Judge

